



**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2305665

**Applicant Name:** Collins Woerman Architecture for Proliance Surgeons

**Address of Proposal:** 2409 North 45<sup>th</sup> Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to change the use of an existing 30,250 square foot parking garage (currently vacant) to medical services. Project includes future alterations of 15,402 square feet with accessory parking for 32 vehicles to be provided within the structure (Wallingford Orthopedic Center).\*

The following approvals are required:

**Administrative Conditional Use** - To allow a change of use from parking garage to medical service in a single family zone (SMC 23.44.028)

**SEPA - Environmental Determination** - Chapter 25.05 Seattle Municipal Code

**SEPA DETERMINATION:**      ☐ Exempt ☒ DNS   ☐ MDNS   ☐ EIS  
   ☐ DNS with conditions  
   ☐ DNS involving non-exempt grading or demolition  
   or involving another agency with jurisdiction

\*Project was originally noticed, Master Use Permit to change the use of an existing 30,250 square foot parking garage (currently vacant) to medical services. Project includes future alterations of 15,549 square feet with accessory parking for 34 vehicles to be provided within the structure (Wallingford Orthopedic Center)

**BACKGROUND DATA**

**Site and Vicinity Description**

The subject site is located along North 45<sup>th</sup> Street at the southwest corner of North 45<sup>th</sup> Street and Eastern Avenue North. The site is considered to be within the Wallingford commercial core. The site has an area of 16,629 square feet and is a split zoned with most of the site zoned Neighborhood Commercial 2 with a 40 foot height limit (NC2-40) and about a 4,505 square foot portion zoned Single Family 5000. The site is developed with a 2-story building that was formerly a parking garage used by Bank of America. The building has been vacant for more than 12 months. The site is fully occupied with building except a 12.5 foot wide strip of land on the south side of the building which is not developed.

Surrounding zoning and development		
West at corner of Sunnyside Avenue North and North 45 <sup>th</sup> Street	NC2-40	Dental Office
West	Split NC2-40/SF 5000	Residential
South	SF 5000	Single Family homes
East across Eastern Avenue North, at corner	NC2-40	Medical/Dental Office
East across Eastern Avenue North	Split NC2-40/SF 5000	Residential
North across North 45 <sup>th</sup> Street	NC2-40	Mixed use, Commercial, Residential

### Proposal Description

The existing structure is made from concrete tilt up panels and is 30,240 square feet in size spread over two levels.

The existing structure will be extensively remodeled to house a 14,847 gross square foot Orthopedics Center consisting of an ambulatory surgery center, clinical area, physical therapy, MRI and other related shared services. The basement will be dedicated to parking for 32 vehicles and will have access from Eastern Avenue North. The main floor will have pedestrian access from North 45<sup>th</sup> Street.

The exterior work includes re-facing the building with a combination of raised wood panel, concrete skim coat, pre-rusted metal panels, composite metal panels, additional glazing on the north and east facades, landscaping and an entrance canopy on North 45<sup>th</sup> Street. Three of the large windows facing North 45<sup>th</sup> Street will rise about 6 feet over the existing roof to provide some depth and vertical expression.

### Related Actions

DPD is proposing two legislative rezones in the Wallingford commercial corridor along North 45<sup>th</sup> Street in an effort to foster the goals of the Wallingford Neighborhood Plan. One rezone would eliminate split zoned parcels by moving the boundary of the existing Neighborhood Commercial 2 with a 40' height limit (NC2-40) zone to the nearest east-west property line along North 45<sup>th</sup> Street for eight parcels. Another legislative rezone would place a pedestrian overlay designation on the NC2-40 zoned properties. The subject site is included in these legislative rezone packages; approval of these rezones would allow this proposal without the need for an ACU.

### Public Comment

No written public comments were received during the comment period which ended on April 21, 2004.

### **ANALYSIS - ADMINISTRATIVE CONDITIONAL USE**

The Seattle Land Use Code ( SMC 23.44.028) provides that uses not otherwise permitted in the zone may be permitted in structures unsuited to uses permitted outright in single family zones. The applicable criteria are discussed below.

1. *The design of the structure is not suitable for conversion to a use permitted outright in a single-family zone; and*

The uses permitted outright in a single family zone are as follows; single family dwelling unit; floating home; existing cemetery; public or private parks; public playgrounds; existing railroad right of way; public schools; nursing homes and adult family homes. The structure could be changed to one of these uses; however, it is clear that the structure is not well suited for this purpose.

The structure was constructed in 1969 and used as a parking garage to store vehicles seized for non payment of loans. The structure is constructed with concrete tilt up panels and cast concrete. The structure has 30,240 square feet of gross floor area and is about 99 feet wide by 154 feet in length. The longest portion of the building has frontage on North 45<sup>th</sup> street. The southern most 20 feet of the structure is within the single family 5000 zone, so about 80% of the building is within the NC2-40 zone. Another small strip of land south of the structure is zoned Single Family 5000. This portion is 12.5 feet wide by 114 feet in length and totals 1425 square feet. The total area of the single family portion of the site is 4505 square feet.

2. *The structure contains more than four thousand (4,000) square feet; and*

The existing structure has a gross floor area of 30,240 square feet.

3. *The proposed use will provide a public benefit.*

The project will revitalize a vacant building making substantial aesthetic improvements. The existing structure is generally windowless and has been vacant for at least 1 year. The improvements will include; raised wood panels with reveals to provide depth, extensive glazing extending above the roofline providing horizontal relief to the roofline, overhead weather protection along the North 45<sup>th</sup> Street frontage and landscaping improvements on site and in the right of way. In addition to the aesthetic improvements, the project will bring economic development to the site by locating a business that will provide medical services and generate taxes for the city.

It is likely that there will be some parking and traffic impacts associated with the project; these are discussed in the SEPA analysis portion of this document.

## **ANALYSIS - ADMINISTRATIVE CONDITIONAL USE -GENERAL PROVISIONS**

### **Public Welfare and Injury to Property in Vicinity**

*General provisions for conditional uses in single family zones (SMC 23.44.018) provide that a use may be approved, conditioned or denied based upon whether it meets the specific criteria set forth for the use and also “whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.”*

The proposed project will not be materially detrimental to the public welfare or injurious to property in the zone or vicinity. The existing structure will be aesthetically and functionally improved. No public comments or information has been received to alert the department of any potential detrimental or injurious impacts that would result from the new use. Any adverse impacts from the new use are analyzed pursuant to SEPA authority.

### **DECISION - ADMINISTRATIVE CONDITIONAL USE**

(Based on plans and information in the file):

The proposed action is **GRANTED**

### **CONDITIONS - ADMINISTRATIVE CONDITIONAL USE**

None.

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated March 10, 2004 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact; it shall be presumed that such regulations are adequate to achieve sufficient mitigation". The Policies also discuss in SMC 23.05.665 D1-7, that in certain circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts. This may be specified otherwise in the policies for specific elements of the environment found in SMC 25.05.675. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

#### **Short-term Impacts**

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources.

Several adopted City codes and/or ordinances provide mitigation for some of the identified construction related impacts. Specifically these are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts, but impacts such as air quality and noise require further discussion and may require SEPA mitigation.

#### **Noise**

The project is expected to generate loud noise during construction. The proposal does not involve the construction of a new structure but only modifications to the existing structure; however, the changes will generate loud noise. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The surrounding properties are developed with single family homes and will be

impacted by construction noise. Pursuant to SEPA authority, the applicant will be required to limit periods of construction to between the hours of 7:30 a.m. and 6:00 p.m. during non-holiday weekdays. This condition will allow low noise, interior work after the exterior alterations are substantially complete and the structure is enclosed. This condition may be modified by DPD to allow work of an emergency nature or permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

### Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos (if any) during demolition. The owner and/or responsible party (ies) are required to comply with the PSCAA rules pertaining to demolition of projects with or without asbestos. This will ensure proper handling and disposal of asbestos, as well as demolition of structures without asbestos. No further SEPA conditioning is necessary.

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased traffic in the area and increased demand for parking; increased demand for public services and utilities; and increased light and glare; increased energy demand; increased ambient noise associated with increased human activity and vehicular movement.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; the Seattle Building Code which provides prescriptive construction techniques and standards; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term long term impacts, although some impacts warrant further discussion and possible mitigation.

### Traffic

The small number of vehicle trips generated from the project during the peak hour will not adversely impact traffic operation or intersections in the immediate area. The proposed medical service use is expected to employ about 20 employees according to the checklist, and they will likely arrive and leave during the peak hours. Vehicle trips generated by patients of the facility will be spread out throughout the day and will not be concentrated during the peak hours. The site is well served by transit and the employer is planning to provide free transit passes to employees. No mitigation for traffic impacts is necessary.

### Parking

The applicant provided a parking utilization study received by DPD on July 23, 2004 that examines the on-street parking utilization within an 800 feet radius of the site.

The proposed project will provide parking for 32 vehicles, and the code required parking for the project is 28 parking spaces. The peak parking times, based on the Institute of Transportation Engineers (ITE), Parking Generation, 2<sup>nd</sup> Edition for Medical/Dental Clinic/Office (land use code 630) occurred during the mid-morning and mid-afternoon hours. The peak parking demand based on ITE data is estimated to be 61 using the average rate. The applicant provided an estimate for parking demand at 45 vehicles. In light of the estimates, there could be a spillover parking demand utilizing on-street parking ranging from 13 to 29 spaces.

The on-street parking utilization study was performed on July 15 and 20 between the hours of 2:00 PM and 3:00 PM to determine whether the street could absorb the spillover parking demand. The afternoon times were selected as the study times in that the afternoon utilization rates are typically higher than the morning rates. The study area included legal parking spaces within 800 feet of the site and found that there were 471 legal spaces. It found the highest average utilization rate of 62% occurred north of North 45<sup>th</sup> Street. The average rate south of North 45<sup>th</sup> street was 57% and the average for the entire study area was 59%. The City deems on-street parking at capacity when the rate is 85%, thus the utilization rate in this neighborhood is low. The study applied the highest estimated spillover demand (29) to the utilization rates and found that the on-street parking supply is expected to easily accommodate the additional vehicles. The utilization rate when the project is complete is estimated to be 65% which is still an acceptable rate of occupancy. The utilization rate is a percentage of estimated vehicles parked on the street (306) versus the on-street supply (471). In light of this information, no SEPA mitigation for parking impacts is necessary.

#### Other Impacts

The other impacts such as but not limited to, increased ambient noise, and increased demand on public services and utilities are mitigated by codes and are not sufficiently adverse to warrant further mitigation by condition.

#### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

## **CONDITIONS –SEPA**

### **During Construction**

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. The hours of construction activity shall be limited to non holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition will allow low noise interior work after the exterior alterations are substantially complete and the structure is enclosed. This condition may be modified by DPD to allow work of an emergency nature or permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

Signature: (signature on file) Date: August 26, 2004  
Jess Harris, AICP, Senior Land Use Planner  
Department of Planning and Development